

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

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PUBLIC SERVICE
COMMISSION

In the Matter of:

Petition of SouthEast Telephone, Inc., for Arbitration of)
Certain Terms and Conditions of Proposed Agreement)
with BellSouth Telecommunications, Inc., Concerning) Case No. 2006-00316
Interconnection Under the Telecommunications Act of)
1996)

**SOUTHEAST TELEPHONE INC.
MOTION TO COMPEL RESPONSES TO DATA REQUESTS AND
TO MODIFY PROCEDURAL SCHEDULE**

SouthEast Telephone, Inc. ("SouthEast") respectfully requests that the Commission issue an order compelling BellSouth Telecommunications, Inc. ("BellSouth") to respond to SouthEast's first set of Data Requests (submitted on Sept. 15, 2006). In light of BellSouth's unreasonable refusal to respond to 48 of SouthEast's 49 data requests, SouthEast also requests that the procedural schedule be modified as set forth herein. 1/

The Commission must put a stop to BellSouth's campaign of resistance to the Commission's authority to conduct this proceeding, including BellSouth's obstruction of SouthEast's right to interconnect. The latest example is BellSouth's completely non-responsive "response" (filed Sept. 29, 2006) to SouthEast's Data Requests. The Commission should make it clear that BellSouth cannot opt out of its duty under Section 252 of the Act to participate in good faith in this arbitration proceeding.

1/ In SouthEast's Sept. 13, 2006 letter filed in this proceeding, we indicated that we would provide a notice of any modifications to its arbitration proposals by Oct. 16, 2006, contingent upon BellSouth's providing complete, timely, and responsive answers to SouthEast's data requests. BellSouth has not provided complete or responsive answers to the data requests, so SouthEast lacks the information necessary to determine whether to offer any modifications to its arbitration proposals.

Many of the nine issues that SouthEast raised in its June 22, 2006 arbitration directly address the reasonableness of various rate levels. Cost data and other information within BellSouth's exclusive possession are needed for SouthEast to analyze these issues and for the Commission to decide them. For example, cost data are needed to address Issues A-2 (rates in each pricing Zone for the voice-grade Local Loop element); A-3 (rates for the "Port" elements – *i.e.*, local switching, shared transport, signalling, and other non-loop elements included in the "Platform" combination); A-4 (rates, terms, and conditions for adjacent meet-point interconnection); A-5 (reciprocal compensation); and A-6 (rates for high-capacity transmission elements).

Most of BellSouth's numbered "responses" to SouthEast's data requests implausibly take the position that the data SouthEast requested are "not relevant to any proper issue in this arbitration." BellSouth is wrong. Information regarding the total and per-line costs of certain components of BellSouth's network are necessary to address the core issues listed above.

With regard to the loop costs at issue in Issue A-2, the Commission must reject BellSouth's position that the UNE loop rates set over five years ago in Administrative Case No. 382 can never be reexamined (*see* BellSouth Response to Item No. 1). Such an approach presumes that the forward-looking costs of local loops never change, but given the technological and marketplace changes over the past five years, this presumption is implausible and, at minimum, needs to be tested via a robust factual analysis based on the information requested by SouthEast – a comparison of the data relied upon in Administrative Case No. 382 versus up-to-date information. The Commission must reject BellSouth's apparent definition of relevancy,

which in essence would preclude the Commission from arbitrating the unresolved issues between the parties, as it must under Section 252.

With regard to the Port elements covered by Issue A-5, the high-capacity elements covered by Issue A-6, and certain other matters, BellSouth takes the position that data regarding Section 271 elements and services are irrelevant to this proceeding because, it contends, the Commission lacks authority to arbitrate Section 271 issues that are not subject to Section 251. *See, e.g.*, BellSouth Response to Items 5 and 7. BellSouth's position in this regard has been rejected twice by the Commission. *See Joint Petition for Arbitration of NewSouth Communications Corp., et al., With BellSouth Tel., Inc. Pursuant to Section 252(b) of the Communications Act of 1934, as amended*, Case No. 2004-00044, Order (Mar. 14, 2006); *SouthEast Tel., Inc. v. BellSouth Tel., Inc.*, Case Nos. 2005-00519 and 2005-00533, Order (Aug. 16, 2006). The Commission's correct resolution of this issue is bolstered by the explicit language of Section 271 of the Act, specifying that Bell operating companies are required to enter into "binding agreements that have been approved under section 252 specifying the terms and conditions under which the Bell operating company is providing" the Section 271 checklist elements. 47 U.S.C. § 271(c)(1)(A).

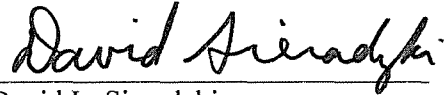
BellSouth cannot be allowed to defy the Commission's established precedents. In any event, BellSouth should be required to produce the required information now and make its legal arguments at the time the Commission has set for briefing in this case. Significantly, cost and demand data are relevant to the rates for both Section 251 and Section 271 elements. Such data are needed to determine what rates are "just and reasonable" under Sections 201, 202, and 271, as well as to conduct a "Total Element Long Run Incremental Cost" assessment under Section 251.

BellSouth's objections regarding the confidential or proprietary nature of some of the requested information, and regarding the purportedly burdensome nature of some of the requests, do not justify a flat refusal to respond to the data requests. SouthEast would be willing to agree to a protective order under which it would be obligated to maintain the confidentiality of BellSouth's information. And to the extent BellSouth believes it would be "burdensome" to respond to some of the requests, SouthEast would be willing to discuss their scope with BellSouth, potentially under the supervision of the Commission staff in the context of a formal or informal status conference.

Detailed justifications for each of SouthEast's unanswered Data Requests are set forth in the Attachment to this Motion.

Finally, SouthEast is unable to produce or submit meaningful Direct Testimony by Oct. 27, 2006, due to the absence of the BellSouth factual information needed to analyze the issues to be addressed in this arbitration proceeding. SouthEast had intended to submit Direct Testimony based on a thorough analysis of the cost and other data from BellSouth. Given the absence of BellSouth responses to 48 of the 49 Data Requests, Direct Testimony would be uninformative, and it would be unproductive to retain the existing procedural schedule. SouthEast respectfully moves that the Commission suspend the schedule established in its Aug. 30, 2006 order in this proceeding, and instead require the parties to file Direct Testimony on the date four weeks after BellSouth provides complete and responsive answers to SouthEast's Data Requests.

Respectfully submitted,



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16th
October __, 2006

CERTIFICATION

I hereby certify that a true and correct copy of the foregoing was mailed, postage pre-paid, this 16th day of October, 2006, to:

Mary K. Keyer
General Counsel/Kentucky
BellSouth Telecommunications, Inc.
601 W. Chestnut Street, Rm. 407
Louisville, KY 40203



ATTACHMENT – JUSTIFICATION FOR DATA REQUESTS

1. Please provide, in electronic spreadsheet form, the monthly cost per line, by wire center, for each analog loop type (SL1, SL2, UCL, UNE-P, *etc.*) relied upon by the Kentucky PSC in setting final costs and rates in Administrative Case No. 382.

Issue A-2 concerns the appropriate recurring rate for each pricing zone. This information is directly relevant to SouthEast's ability to propose appropriate zones and rates within those zones, to the extent that the existing cost study results are retained.

2. Please provide, in electronic spreadsheet form, the number of switched access lines, by wire center, used by the Kentucky PSC in Administrative Case No. 382 to establish the weighted average cost of analog loops by UNE zone (as referenced in the preceding data request). Identify the vintage of the data.

See information on Data Request No. 1 above. To the extent that SouthEast proposes new zone rates with new zones based on the existing cost studies, the data are essential to that calculation.

3. Please provide, in electronic spreadsheet form, the number of switched access lines (calculated using an identical definition as used in answer to the preceding data request) by wire center as of December 31, 2005.

See information on Data Request Nos. 1 and 2 above. The data are needed to enable SouthEast to propose updated zones and/or averaged rates based on updated information.

4. Provide, in electronic spreadsheet form, the number of UNE-P lines, separately for residential and business customers, by wire center, as of the end of each year, 2001 through 2005.

Issue A-3 concerns the appropriate 271 rate. In other proceedings, BellSouth claims that its rate is "market based." A sign of market power is high prices and restricted output. Data Requests 4 and 5 provides information needed to determine market trends in output related to introduction of "commercial agreement" pricing.

5. Provide, in electronic spreadsheet form, the number of lines provided by BellSouth under a DS0 commercial agreement, separately for residential and business customers, by wire center, as of the end of 2004 and 2005.

See information on Data Request Nos. 1-4 above.

6. Provide a copy of any and all documents, studies, analyses, consultants' reports, memoranda, back-up data, and any other material or information that BellSouth created, sponsored (in whole or in part), used or relied on to determine any of the rates it has proposed to Southeast Telephone or to any other CLEC for access to unbundled local

switching and all other non-loop elements and functionalities of the Platform, since January 1, 2005. Without identifying the names of carriers other than SouthEast, please identify the specific rates that BellSouth proposed, and/or that a CLEC agreed to pay or is actually paying, for unbundled local switching and all other such elements and functionalities.

SouthEast needs this information to determine the “market basis” for the BellSouth rate (if any), as well as to determine the degree to which BellSouth “negotiates” other prices.

7. Provide the net investment in central office switching account 2212.1 (Circuit Switching) for Kentucky at the end of 2005.

SouthEast needs this information to precisely determine the embedded cost of local switching. Just and reasonable rates have historically been established using embedded costs. SouthEast needs information to fully develop information relevant to the just and reasonable range.

8. Provide that portion of the annual depreciation expense reported in ARMIS 43-03 Row 6560 associated with central office switching account 2212.1 for Kentucky in 2005.

See information on Data Request No. 7 above.

9. For each year, 2000 through 2005, please provide the average monthly minutes of use per BellSouth switched access line in Kentucky, separately identified for local, originating interstate access, terminating interstate access, originating intrastate access, terminating intrastate access, and originating ISP-bound traffic.

SouthEast needs to know usage data to fully evaluate local switching prices because they currently include a usage component.

10. For each year, 2000 through 2005, please provide the average monthly minutes of use per BellSouth UNE-P line in Kentucky, separately identified for each of the categories set forth in the preceding data request.

See information on Data Request No. 9 above.

11. Provide the annual revenue received by BellSouth in 2004 and 2005 from the following UNE End Office Switching rate elements: (a) End Office Switching Function; and (b) End Office Trunk Port-Shared.

Because BellSouth’s prices for these rate elements are required to be just, reasonable, and nondiscriminatory, data are necessary to fully evaluate the relative pricing of commercial agreements, TELRIC and the SouthEast rate proposal for switching. Moreover, the requested data permits SouthEast to determine the average price currently assessed on local switching.

12. Provide the total number of billed minutes in 2004 and 2005 for the following UNE End Office Switching rate elements: (a) End Office Switching Function; and (b) End Office Trunk Port-Shared.

Same justification as Data Request No. 11 above. This information would enable SouthEast to confirm the average rate and development of alternative rate proposals.

13. Explain with specificity the basis for each and every difference between the costs that are intended to be recovered through the Remote Site Adjacent Collocation Application Fee (\$755.62) and the Adjacent Collocation Application Fee (\$3,165.50) identified in Exhibit B to Attachment 4 (the rate schedule in the collocation section) of the most recent proposed Interconnection Agreement that BellSouth proffered to SouthEast. Please provide all documents, including but not limited to cost studies or other analyses, justifying or supporting such cost differences. To the extent that the Commission addressed these fees in Administrative Case No. 382, provide all documents, including but not limited to cost studies or other analyses, justifying or supporting each of these fees.

SouthEast is interested in Adjacent Collocation at the Central Office that is patterned after the form of Adjacent Collocation offered at Remote Sites. Consequently, in order to propose rates for such adjacent collocation, it is necessary to evaluate the current rate disparity. [This is the only Data Request to which BellSouth purported to provide a substantive response.]

14. Please indicate whether there are any rates that apply to an Adjacent Collocation that are not identified in Exhibit B to Attachment 4 (the rate schedule in the collocation section) of the most recent proposed Interconnection Agreement that BellSouth proffered to SouthEast. If so, please identify each and every rate element, indicating with specificity the costs such elements are intended to recover and the rate that applies. Please provide all documents, including but not limited to cost studies or other analyses, justifying or supporting such cost estimates.

The information is necessary to evaluate the rates for adjacent collocation, to be resolved in Issue A-4.

15. What non-recurring and/or recurring costs would BellSouth incur in connection with enabling SouthEast to bring a 900 pair copper cable from its adjacent off-site collocation into a BellSouth central office and cross-connect such copper cable to BellSouth's UNE loops at the main distribution frame ("MDF")? Please provide all documents, including but not limited to cost studies or other analyses, justifying or supporting such cost estimates.

Issue A-4 identifies an arrangement wherein unbundled loops would be extended to a collocation outside, but adjacent to, a BellSouth central office" Data Request No. 15 legitimately seeks information as to whether BellSouth has developed the cost of a 900-pair copper cable extending from the MDF to an adjacent off-site collocation

arrangement. A 900-pair cable is a typical cable size which BellSouth should use to bring copper facilities into its own building. The data request only seeks to know if BellSouth has developed a cost for this in connection with using such a cable to extend to an adjacent off-site collocation arrangement. To the extent that BellSouth has performed such a study, it should provide the materials sought in this discovery request.

16. Please provide an electronic version of the BellSouth Cost Calculator used to develop BellSouth's final version of proposed rates in Administrative Case No. 382. Please ensure that the version of the BellSouth Cost Calculator that is provided by BellSouth in response to this discovery request contains all supporting electronic files that will permit the user of the BellSouth Cost Calculator to modify the inputs to the BellSouth Cost Calculator and produce revised results. Specifically, please ensure that the version of the BellSouth Cost Calculator that is provided allows for the use of the Capital Cost Calculator within the BellSouth Cost Calculator including the ability to modify the inputs within the Capital Cost Calculator and having these revised inputs propagate through to the cost elements within the BellSouth Cost Calculator.

This Commission has traditionally utilized BellSouth cost studies such as the BellSouth Cost Calculator to establish cost-based rates for elements in Kentucky. Issue A-2 in the SouthEast-BellSouth arbitration directly relates to the recurring rate development for voice-grade local loops. SouthEast should not be precluded in this present arbitration from having access to the cost studies that were utilized to establish these loop rates in Administrative Case No. 382. Issue A-3 in the SouthEast-BellSouth arbitration directly relates to the recurring rate development of the port component in a platform combination of elements. The underlying cost for the existing port rates in Kentucky were set in the compliance filing of the BellSouth Cost Calculator in Administrative Case No. 382. SouthEast should not be precluded from having access to this document (sought in Data Request No. 24) or to BellSouth's final proposed rates for this element (sought in this present discovery request) for the purpose of providing proposed rates in this present arbitration. Issue A-4 in the SouthEast-BellSouth arbitration directly relates to the recurring rate development for "Adjacent Meet Point" collocation arrangements. SouthEast believes that new recurring rate elements will be necessary for this collocation arrangement that do not presently exist in BellSouth's collocation rates. SouthEast needs access to the cost case in Administrative Case No. 382 to ensure that the cost factors used by SouthEast are consistent with the cost factors the commission previously used in that case. Finally, Issue A-6 in the SouthEast-BellSouth arbitration directly relates to the recurring rate development for high capacity loops. SouthEast should not be precluded in this present arbitration from having access to the cost studies that were utilized to establish these loop rates in Administrative Case No. 382.

17. Please provide an electronic version of the BellSouth Telecommunications Loop Model ("BSTLM") used to develop BellSouth's final version of proposed rates in Administrative Case No. 382. Please ensure that the version of the BSTLM provided by BellSouth in response to this discovery request contains all supporting electronic files

that will permit the user of the BSTLM to modify inputs to the BSTLM and produce revised results.

The final version of BellSouth's BSTLM used to set rates in Administrative Case No. 382 underlies the rate development found in the BellSouth Cost Calculator. In other words, the information in BSTLM flows into the BellSouth Cost Calculator to ultimately develop the rates for loops that came out of Administrative Case No. 382. To the extent that the Commission agrees that SouthEast should be provided with access to the BellSouth Cost Calculator, particularly for Issues A-2 and A-6 in the present SouthEast-BellSouth arbitration, the Commission should also provide SouthEast with the information sought in Data Request No. 17 related to BSTLM.

18. Please provide an electronic version of Telcordia's Switching Cost Information System Model Office ("SCIS/MO") and Simplified Switching Tool© ("SST") used by BellSouth to develop BellSouth's final version of proposed rates in Administrative Case No. 382. Please ensure that the version of the SCIS/MO and SST provided by BellSouth in response to this discovery request contains all supporting electronic files that will permit the user of the SCIS/MO and SST to modify inputs to the SCIS/MO and SST and produce revised results.

This information would be helpful in analyzing Issue A-3.

19. Please provide all available documents regarding how to use the BellSouth Cost Calculator including any documents related to the modification of inputs to the BellSouth Cost Calculator.

See information regarding Data Request No. 16. In connection with the information requested in Data Request No. 16, the Commission should also permit SouthEast to have "any documents related to the modification of inputs to the BellSouth Cost Calculator."

20. Please provide all available documents regarding how to use the BSTLM including any documents related to the modification of inputs to the BSTLM.

See information regarding Data Request Nos. 16 and 17. In connection with the information requested in Data Request Nos. 16 and 17, the Commission should also permit SouthEast to have "any documents related to the modification of inputs to the BSTLM."

21. Please provide all available documents regarding how to use the SCIS/MO and SST including any documents related to the modification of inputs to the SCIS/MO and SST.

See information regarding Data Request No. 18 above.

22. Please provide all testimony, including non-confidential and confidential testimony, including pre-filed testimony and transcripts of live testimony, and including any attachments, exhibits, or other documents associated with such testimony, filed or presented by BellSouth and its witnesses in Administrative Case No. 382.

To extent we rely on, or request updates to, current UNE rates, we require the foundation documents relating to those existing prices. These documents are not readily available to the public.

23. Please provide all documents, including cost studies, work papers, and other analyses, justifying or supporting the geographic deaveraging of BellSouth's proposed rates in Administrative Case No. 382.

See information regarding Data Request Nos. 1, 2, and 22 above.

24. Please provide an electronic version of the BellSouth Cost Calculator used to develop the final rates in Administrative Case No. 382. Please ensure that the version of the BellSouth Cost Calculator that is provided by BellSouth in response to this discovery request contains all supporting electronic files that will permit the user of the BellSouth Cost Calculator to modify the inputs to the BellSouth Cost Calculator and produce revised results. Specifically, please ensure that the version of the BellSouth Cost Calculator that is provided allows for the use of the Capital Cost Calculator within the BellSouth Cost Calculator including the ability to modify the inputs within the Capital Cost Calculator and having these revised inputs propagate through to the cost elements within the BellSouth Cost Calculator.

The information sought here is similar to that which is sought in Data Request No. 16. However, Data Request No. 16 seeks information as to what BellSouth *proposed* as its final rates in Administrative Case No. 382. This present discovery request seeks information as to what the Commission ultimately *ordered*. Both are needed for SouthEast to present different aspects of its case in the present BellSouth-SouthEast arbitration.

25. Please provide an electronic version of the BSTLM used to develop the final rates Administrative Case No. 382. Please ensure that the version of the BSTLM provided by BellSouth in response to this discovery request contains all supporting electronic files that will permit the user of the BSTLM to modify inputs to the BSTLM and produce revised results.

The information sought here is similar to that which is sought in Data Request No. 17. However, Data Request No. 17 seeks information as to what BellSouth *proposed* as its costs in BSTLM in Administrative Case No. 382. This present discovery request seeks information as to what the Commission ultimately *ordered* for loop costs in BSTLM. Both are needed for SouthEast to present different aspects of its case in the present BellSouth-SouthEast arbitration.

26. Please provide documentation for each of the Material Costs (indicating BellSouth or manufacturer part or reference number) listed in the table below. Please include a description of each cost and/or material category used in the development of each Material Cost for each item listed below. Please produce all documents, including source data, considered, used, or relied on by BellSouth in Administrative Case No. 382 to develop or determine the "Material Cost" value for each item listed below. Also please

identify the Material Cost for each item as found in BellSouth's final version of BSTLM for its proposed rates in Administrative Case No. 382.

<u>ITEM</u>
CO INVESTMENT ADDER
COMPOSITE FIBER < 6k Ft
COPPER CABLE 24 GAUGE
COPPER CABLE 26 GAUGE
DROP
DTBT MATERIAL
FDI TERMINALS
FIBER CABLE
INDOOR FDI TERMINAL PRIMITIVES
NID/NIU
COT FIBER TERMINATION
ONU 24 – CE (DLC/ONU-DLCRT CATEGORY)
ONU 24 – CHANNEL (DLC-ONU-DLCRT CATEGORY)
VENDOR “A” DLC – CE (DLC/ONU-DLCRT CATEGORY)
VENDOR “A” DLC – CHANNEL (DLC/ONU-DLCRT CATEGORY)
VENDOR “B” DLC – CE (DLC/ONU-DLCRT CATEGORY)
VENDOR “B” DLC – CHANNEL (DLC/ONU-DLCRT CATEGORY)
ONU 24 – CE (DLC/ONU-COT CATEGORY)
ONU 24 – CHANNEL (DLC/ONU-COT CATEGORY)
VENDOR “A” DLC – CE (DLC/ONU-COT CATEGORY)
VENDOR “A” DLC – CHANNEL (DLC/ONU-COT CATEGORY)
VENDOR “B” DLC – CE (DLC/ONU-COT CATEGORY)
VENDOR “B” DLC – CHANNEL (DLC/ONU-COT CATEGORY)
OC1 – SONET TERM (SONET TERMINALS – SONET RT CATEGORY)
OC12 – SONET TERM (SONET TERMINALS – SONET RT CATEGORY)
OC3 – SONET TERM (SONET TERMINALS – SONET RT CATEGORY)
OC48 – SONET TERM (SONET TERMINALS – SONET RT CATEGORY)
OC1 – SONET TERM (SONET TERMINALS – SONET COT CATEGORY)
OC12 – SONET TERM (SONET TERMINALS – SONET COT CATEGORY)
OC3 – SONET TERM (SONET TERMINALS – SONET COT CATEGORY)
OC48 – SONET TERM (SONET TERMINALS – SONET COT CATEGORY)
OC1 – SONET TERM (SONET TERMINALS – SONET CARDS CATEGORY)
OC12 – SONET TERM (SONET TERMINALS – SONET CARDS CATEGORY)
OC3 – SONET TERM (SONET TERMINALS – SONET CARDS CATEGORY)
OC48 – SONET TERM (SONET TERMINALS – SONET CARDS CATEGORY)

This information should be readily available to BellSouth. It is SouthEast's understanding that BellSouth in the past has responded to similar data requests in cost proceedings involving the BSTLM. Basically this data request is seeking information from BellSouth as to the basis for the underlying costs in the present

rates for loops in Administrative Case No. 382. This information is necessary to SouthEast to evaluate whether substantive changes have occurred in the costs for loops such that revised rates are warranted. Moreover, the Commission routinely relies on BellSouth's cost models and underlying material investments in determining the rates for network elements including loops. This information is necessary to SouthEast to determine whether BellSouth's underlying costs for loops have materially changed from those that were used in Administrative Case No. 382 so as to know how to proceed in presenting alternative loop rates.

27. For each of the items identified in the table in the preceding data request, please provide documents regarding each of the Material Costs that would exist at present for BellSouth. Please produce all documents, including source data, considered, used, or relied on by BellSouth in the development of each "Material Costs" value for each item identified in the table in the preceding data request.

This data request, coordinated with BellSouth's response to Data Request No. 26 above, will provide the information needed to see how materially costs have changed for components used in the BellSouth loop network. SouthEast needs this information to enable it to present an affirmative case for loop prices in this present SouthEast-BellSouth arbitration.

28. Please provide all available documents, including detailed step-by-step instructions, on how to incorporate different line counts into the BSTLM model.

See information on Data Request No. 25 above.

29. Please provide in electronic spreadsheet format BellSouth's total line counts by wire center for each service type in the BSTLM for year-end 2000, 2001, 2002, 2003, 2004, and 2005. If this data is not available by wire center, provide this information at the lowest level of aggregation possible.

The growth in lines since the last time that BellSouth performed cost studies in Kentucky is incredibly relevant to SouthEast presenting an affirmative case on either changing the weighting of current loop costs or developing alternative loop costs as per Issues A-2 and A-6. SouthEast is able to identify the aggregate line count changes from public sources such as ARMIS that indicates that there have been large net adds of lines particularly related to special access lines in Kentucky. However, SouthEast does not have access to the information at the wire center level and is therefore seeking it from the only party that does have that information – BellSouth.

30. Produce all available documents, including source data, considered or relied on by BellSouth in the determination of the BellSouth's lines counts for year-end 2000, 2001, 2002, 2003, 2004 and 2005 for each service type contained in BSTLM as identified in the preceding data request.

See comments for Data Request No. 29.

31. For each wire center, please provide in electronic format the area (measured in square miles or some equivalent) comprised within the wire center's boundaries.

This information is necessary for SouthEast to present its affirmative case in the SouthEast-BellSouth arbitration. Specifically, this information, in conjunction with the cost information from Administrative Case No. 382 sought in earlier discovery requests, will allow SouthEast to present statistical analyses as to the relationship between wire center loop density and loop costs. In this way, as densities have changed in the intervening six years since Administrative Case No. 382 was performed, SouthEast would be able to estimate the loop costs by looking at loop density changes in the intervening timeframe. Again, BellSouth readily has this information available to it and should be required to provide this to SouthEast to permit SouthEast to present its own affirmative case. This information is not readily available from public sources.

32. Please provide all digital loop carrier equipment contracts utilized for equipment purchased throughout BellSouth's territory (including but not limited to Kentucky) between the years of 2000 and 2006, including all price schedules associated with the particular contracts and all related documents. To the extent that price changes have occurred in contracts between BellSouth and its digital loop carrier equipment vendors, please provide all versions of the contracts during the 2000 to 2006 timeframe demonstrating these price changes and all related documents.

This information is necessary for SouthEast to present its affirmative cost information relative to Issues A-2 and A-6. Specifically, digital loop carrier equipment is instrumental in providing voice grade loops and high-speed loops to customers. The pricing of this equipment as would be found in contract changes between BellSouth and its digital loop carrier equipment vendors between 2000 and 2006 would indicate the extent to which loop prices should change in the intervening time period. Moreover, this information would be necessary to develop alternative loop prices by SouthEast.

33. Please indicate whether BellSouth has used the CA Turner Telephone Plant Index in adjusting costs for cost filings filed with the Commission or any other state commission within its operating territory. If not, please indicate whether any other alternative telephone plant index has been used and provide the name of this index.

BellSouth "objects to this data request on the grounds that it seeks information that is not relevant to any proper issue in this arbitration." Issues A-2, A-4, and A-6 all directly relate to cost issues between BellSouth and SouthEast. The CA Turner Telephone Plant Index is a guide that allows telecommunications carriers to estimate cost changes by type of plant over time. This discovery request only seeks information as to whether BellSouth has used this index or not. And if not for BellSouth to indicate the telephone plant index that it has used, if it has used one. This seems incredibly straightforward for BellSouth to provide a response to in light of the cost issues in this proceeding.

34. Please provide, for each new distribution area that BellSouth has built in Kentucky since Jan. 1, 1999, an electronic spreadsheet showing the number of working lines in each distribution area. The information provided in response to this request should identify, at a minimum, the year the distribution area was built, the wire center associated with the distribution area and the number of working lines associated with the distribution area.

One of the most important issues in developing loop prices is the extent to which spare capacity is initially built into distribution areas by the incumbents. In many cases ILECs are not deploying as much spare capacity at present as they previously were. This Data Request is intended to obtain information on how BellSouth is building its distribution areas presently (the last seven years) in Kentucky.

35. For each year from 1996 to the present, please provide the number of originating (i.e., minutes originating from a CLEC subscriber and terminating to a BellSouth subscriber) and terminating reciprocal compensation minutes in Kentucky.

SouthEast needs this information to have baseline demand information to address pricing proposals for reciprocal compensation.

36. For each year from 1996 to the present, please provide the net revenues received by (or paid by) BellSouth to other CLECs for reciprocal compensation.

See information on Data Request No. 35 (true for all of these). SouthEast needs this information to understand scope of BellSouth agreements, revenues and prices they have agreed to.

37. For each year from 1996 to the present, identify the number of CLECs with whom BellSouth has agreed to a “bill and keep” arrangement for reciprocal compensation.

SouthEast needs this information to address Issue A-5.

38. For each year from 1996 to the present, identify the number of CLECs with whom BellSouth has an interconnection agreement with a ‘price-based’ compensation arrangement for reciprocal compensation.

SouthEast needs this information to address Issue A-5.

39. Provide each reciprocal compensation price that BellSouth currently pays CLECs under an interconnection agreement and indicate, to the extent that differing prices apply, the number of CLECs paying each rate.

SouthEast needs this information to address Issue A-5.

40. At the end of calendar year 2005, please identify each CLEC with whom BellSouth has an interconnection agreement in Kentucky that is compensated for reciprocal compensation as though the CLEC’s local switch does not provide functions comparable to a tandem switch.

SouthEast needs this information to address Issue A-1. SouthEast needs to develop information on how BellSouth conducts negotiations for truly competitive, unregulated commercial agreements in order to address the question of the appropriate starting point for negotiations here.

41. Please identify each unregulated commercial agreement between BellSouth or any of its affiliated companies, on the one hand, and another party or parties, on the other, that (a) relates to a lease of real or personal property, or any ongoing service or services (other than telecommunications services or network elements) to be provided in Kentucky over a period of six months or longer; and (b) was renewed or novated, with or without modifications, between Jan. 1, 2005 and August 31, 2006. For each such agreement, please identify (i) whether BellSouth or another affiliated company is the party to such agreement; (ii) the industry or type of entity that is the other party such contract (without identifying or naming the specific parties); (iii) the nature of the lease or other service to which the contract related; (iv) the original date on which the contract was set to expire; (v) the dates upon which the renewed, novated, or modified contract was signed and took effect; (vi) the dates during which negotiations regarding the renewed, novated, or modified contract occurred; and (vii) whether BellSouth and the other contract party utilized their pre-existing contract as the initial draft used in such negotiations.

See information on Data Request No. 41 above.

42. Please provide a list, broken down by wire center, identifying all remote terminals (“RTs”), feeder/distribution interfaces (“FDIs”), and other network points in BellSouth’s service area in Kentucky at which local loop facilities are aggregated, excluding central offices and network interface devices (“NIDs”) at single-tenant premises. For each such RT, FDI, or other network aggregation point, please quantify the amount of physical collocation space, if any, that is available for requesting carriers to place interconnecting network equipment.

SouthEast needs this information to address Issue A-9.

43. Please identify the computer systems and databases used to store and/or update: (1) the address of each central office, remote terminal (“RT”), and fiber/distribution interface (“FDI”) in BellSouth’s service area in Kentucky, (2) the CLLI code, if any, identifying such facility, (3) the geographic area served by the facility; (4) the designation of which RTs or FDIs subtend a particular central office; and/or (5) the number, categories, and addresses of customers served by a particular central office, RT, or FDI. Please identify the software used to manipulate and update such computer systems and databases, the physical locations at which such data are stored, and the electronic and hard copy documents into which such information is exported, downloaded, or printed out annually or more frequently. Please provide all such documents produced since January 1, 2005.

SouthEast needs this information to address Issue A-9.

44. Please identify the computer systems and databases used to store and/or update: (1) the GPS coordinates for each central office, RT, and FDI in BellSouth’s service area in

Kentucky, and (2) the E911 network address for such facility. Please identify the software used to manipulate and update such computer systems and databases, the physical locations at which such data are stored, and the electronic and hard copy documents into which such information is exported, downloaded, or printed out annually or more frequently. Please provide all such documents produced since January 1, 2005.

SouthEast needs this information to address Issue A-9.

45. Please identify and quantify, with specificity, the time and materials costs required to export or download the data referred to in the preceding two data requests to a CD-ROM disk or disks. Provide all supporting documents, including cost studies, for these cost estimates.

SouthEast needs this information to address Issue A-9.

46. Please produce an electronic spreadsheet that identifies, for each wire center in BellSouth's service area in Kentucky,
- a. the total forward-looking costs per voice-grade line for all elements, services, and functionalities included in UNE-P, that formed the basis of the Commission's cost determinations in Administrative Case No. 382;
 - b. the total costs per voice-grade line generated by the most recent version of the FCC's Synthesis Model ("SM") used to determine High-Cost Model ("HCM") universal service support;
 - c. the embedded cost per voice-grade line per month derived from BellSouth's accounting data as reported to ARMIS;
 - d. the monthly recurring rates per voice-grade line for the Platform, including loop and non-loop (port) components of the Platform, as proposed in the most recent draft interconnection agreement and draft commercial agreement that BellSouth proffered to SouthEast;
 - e. the monthly recurring flat rates per line charged for basic local exchange services provided to retail residential end-user customers;
 - f. the monthly recurring flat rates per line charged for basic local exchange services provided to retail single-line and multi-line business end-user customers;
 - g. the Subscriber Line Charges and all other monthly recurring surcharges per line that BellSouth receives, respectively, from residential, single-line business, and multi-line business end-user customers (excluding sales taxes, universal service contribution surcharges, and any other surcharges or fees that BellSouth passes through on a dollar-for-dollar basis to governmental authorities or governmentally authorized entities);

- h. the monthly weighted-average revenue per line for vertical services provided, respectively, to residential, single-line business, and multi-line business end-user customers;
- i. the monthly weighted-average revenue per line for interstate and intrastate access charges relating to local exchange services provided, respectively, to residential, single-line business, and multi-line business end-user customers;
- j. the monthly revenue per line disbursed from the federal High-Cost Model (“HCM”) universal service fund; and
- k. the monthly revenue per line disbursed from the federal Interstate Access Support (“IAS”) universal service fund.

SouthEast needs this information to address the overall justness and reasonableness of BellSouth’s rates and costs for wholesale network elements and services by comparison with BellSouth’s rates and revenues for retail telecommunications service. This information is relevant to Issues A-1, A-2, and A-3.

- 47. To the extent that BellSouth contends that SouthEast should pay the rate applicable to an entire unbundled loop, rather than the rate applicable only to the Unbundled Sub-Loop Distribution element, when SouthEast interconnects and deploys line splitting equipment at a remote terminal and utilizes only the portion of the BellSouth loop facility between the remote terminal and the customer premise, please provide a complete justification for this contention, including a narrative explanation, cost data, and any documents supporting or relating to this contention.

SouthEast needs this information to address Issue A-4.

- 48. Please identify all quality of service quality measurements and performance metrics that BellSouth keeps track of, and all related or supporting documents, pertaining to the process of accepting service orders for maintenance and repair services for unbundled network elements, processing such orders, implementing such maintenance and repair requests, and all other UNE maintenance and repair service quality measurements and performance metrics, including but not limited to each of the Maintenance and Repair performance standards (Metric Nos. B.3.1 through B.3.5; SQM Nos. M&R-1 through M&R-5) identified on page C-3 and pages C-25 through C-28 of Appendix C to the FCC Memorandum Opinion and Order in *Joint Application by BellSouth Corp., et al., for Provision of In-Region, InterLATA Services in Alabama, Kentucky, Mississippi, North Carolina, and South Carolina*, WC Docket No. 02-150, FCC 02-260, 17 FCC Rcd 17595 (released Sept. 18, 2002). Please provide a narrative description of each such service quality measurement and performance metric and the benchmark or parity standards that are measured.

SouthEast needs this information to address Issue A-8.

- 49. With respect to each such service quality measurement and performance metric identified in response to the preceding data request, please provide, in electronic spreadsheet format,

data for each month, and weighted average by calendar quarter, for all time periods from Jan. 1, 2005 through the present, relating to BellSouth's performance in Kentucky for (a) itself, its affiliates, or its retail customers; (b) CLECs in general; and (c) SouthEast in particular.

SouthEast needs this information to address Issue A-8.

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